IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12746 of 2004

Between:

Kudupudi Nagaratnam, W/o.Satyanarayana,
R/o.H.No.2-15-59/1 (2),. 3rd ward, Anakoderu village,
Bhimavaram Mandal, W.G.Dist.

..... PETITIONER

AND

1 The Collector, Eluru, W.G.Dist.
2 Bhimavaram Municipality, rep.by its Commissioner,

Bhimavaram, W.G.Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of " writ of Mandamus" and declare the action of the respondents in proposing to demolish the petitioner house bearing No.2-15-59, situated at 3rd ward, Anakoderu village, Bhimavaram Mandal, West Godavari District, without issuing any notice, without giving any opportunity and without following due process of law, is illegal, arbitrary and violative of Articles 300-A & 21 of the Constitution of India and violative of principles of Natural Justice, consequently direct the respondents not to demolish the petitioner's house without acquiring the same.

Counsel for the Petitioner:MR.K.L.N.SWAMY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.D.Srinivas, Standing Counsel

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the second respondent.

Petitioner claims that her family constructed a house in the third ward of Anakoderu Village around 40 years back and the said house was assigned H.No.2-15-59 by the second respondent. After the death of petitioner's husband, herself and her family members are residing in the said house. The second respondent on 20-07-2004 taken measurements for demolition of the portion of her house to effect road widening. In view of the same, no notice whatsoever was issued to the petitioner either under the Municipalities Act or under any other enactment. Without following the due procedure, the respondents cannot dispossess the petitioner or demolish the house structure.

Learned Standing Counsel for the second respondent submits that necessary procedure will be followed, if the land which is likely to be evicted for widening of the road or for acquisition for any other public purpose.

In view of the same, the respondents without following the due procedure contemplated under the Municipalities Act or under

the Land Encroachment Act cannot evict the petitioner from the property in question.

The writ petition is accordingly, disposed of. No costs.

22nd JULY, 2004.

Note: furnish copy by wire

at party's costs.

B/o

Kvni

To

1 The Collector, Eluru, W.G.Dist.
2 Bhimavaram Municipality, rep.by its Commissioner,

Bhimavaram, W.G.Dist.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

4 Two CD copies.